

THE COMMUNITY RENEWABLE ENERGY BOARD
RESOLUTION NO. 23-06

A RESOLUTION OF THE BOARD ADDRESSING AGENCY WITHDRAWAL AND RE-ENTRY

WHEREAS, the Community Renewable Energy Board (“Board”) met in a special meeting on August 1, 2022, to consider, among other things, changing the Phase 2 definition to begin on July 31, 2022 to align with the Phase 2 Initial Payment deadline; and

WHEREAS, the Community Renewable Energy Agency (“Agency”) was formed by several public entities (the “Participating Communities”) pursuant to the Interlocal Cooperation Agreement Among Public Entities Regarding the Community Renewable Energy Program (the “Interlocal”); and

WHEREAS, the Interlocal specifies that “[f]or so long as a Listed Entity that executes and delivers this Agreement as specified herein remains an Eligible Community or a Participating Community, as applicable, and continues to make any payments required of it herein on and after July 31, 2021, it will individually be a ‘Party,’ and all collectively will be the ‘Parties,’ to this Agreement”; and

WHEREAS, the Interlocal elsewhere states that “[f]rom July 31, 2021 to the deadline for a Party to adopt an ordinance ... a Party may elect not to become a Participating Community and may withdraw as a Party to this Agreement by providing at least thirty days’ advance Notice to the Secretary of its intent to withdraw”; and

WHEREAS, the Interlocal further establishes that “[t]he Board shall appoint a ‘participating communities’ representative’ ... to present the decisions and opinions of the Agency”; and

WHEREAS, the Board wishes to offer Listed Entities who have made all required payments and later withdraw from the Agency the opportunity to rejoin the Agency and the Community Renewable Energy Program (“Program”), subject to Utah Public Service Commission (“Commission”) approval.

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

- 1 A Listed Entity that withdraws from the Agency after having made all required payments (“Withdrawn Party”) may request to be reinstated as a Party to the Interlocal and to rejoin the Agency prior to Commission approval of the Program by:
 - a. providing written notice to the Board Secretary of the Listed Entity’s intention to rejoin the Agency and be a Party to the Interlocal; and
 - b. if the agreement described in Utah Code § 54-17-903(2)(b) (“Utility Agreement”) has been executed by the qualified utility and one or more other

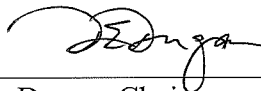
Listed Entities that are a Party to the Interlocal, by delivering to the Board Secretary a signed copy of the Utility Agreement.

- 2 Subject to an affirmative Board vote that determines such action will not adversely impact the Agency or the Program, the Withdrawn Party that submits such a request will be directed and assisted by the Agency to make any necessary filings with the Commission to request that the Withdrawn Party be eligible to become a Participating Community in the Program and, if the Commission grants such a request, that the Withdrawn Party shall become a Party to the Interlocal and be a member of the Agency.
- 3 Whether or not the Withdrawn Party is allowed to participate in the Program will be subject to both Board and Commission approval.

This Resolution assigned No. 23-06, shall take effect immediately.

PASSED AND APPROVED by the Board this 17th day of July 2023.

**COMMUNITY RENEWABLE ENERGY
BOARD**

 17 July 2023

Dan Dugan, Chair

ATTEST:



Emily Quinton, Secretary